IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2732 OF 2006

Prasadya Chanchanya Mananawat
and Anr. .. Applicants
Versus
State of Maharashtra .. Respondent

Mr.S.S.Hardikar for applicants
Mr.P.A.Pol, A.P.P. for respondent

CORAM : S.C.DHARMADHIKARI, J.
DATE : 16th August 2006

P.C.

. On a complaint of one Mr.Bharat Dhokale, F.I.R. is registered with Shikrapur police station vide C.R.No.104 of 2005 alleging offences under section 395 and 397 of the I.P.C.

2. It appears that the complainant alleges that about 11.30 p.m. to 12.00 a.m. at night on a petrol pump situate at village Karandi on

Chakan Shikrapur Road, Dist. Pune six unknown persons committed decoity and took away cash and other articles from the complainant. Thereafter, the applicants were arrested and remanded to magisterial custody, whereafter they were remanded to police custody and once again to magisterial custody and are presently in Yervada Central prison.

3. Criminal Application in sessions case No.671 of 2005 was filed by applicants after release of some of the co-accused, which was rejected.

4. Mr.Hardikar submits that from a perusal of the F.I.R. and the relevant documents it is apparent that the case of complainant is that six unknown persons have committed decoity at midnight and witness Bharat Dhokale has identified them. However, the other accused have been enlarged on bail. There are identical

allegations and recovery. In such circumstances, on the ground of parity, present applicants are entitled to be released on bail.

5. Mr.Pol, A.P.P. submits that applicants have been identified and recoveries also made from them. However, he does not dispute that other accused have been enlarged on bail.

6. Alternatively, he submits that if this Court is to consider the application for grant of bail of the present applicants, stringent conditions may be imposed, including that of not entering village Karandi where the complainant resides and carrries on business.

7. From a perusal of materials produced, prima facie, when the other accused are enlarged on bail and when nothing has been shown, which would not permit considering application of present applicants for bail on the ground of

parity, then, they deserve equal treatment. More so, when the allegations are identical and so also recovery. In such circumstances, the applicants who are detained in custody are entitled to be released on bail. Charge sheet has already been filed and investigations are complete. Hence, the following order.

i) The applicants arrested in connection with C.R.No.102 of 2005 registered with Shikrapur Police Station, shall be enlarged on bail subject in the sum of Rs.15,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicants shall remain present before the concerned investigating officer twice a week on every Tuesday and Saturday between 11.00 a.m. and 1.00 p.m. till conclusion of

the trial. The applicants shall not enter limits of Shikrapur police station except for reporting at the same twice a week as aforesaid.

iii) The order of bail will be given effect only after the applicants furnish to the investigating officer the details about their place of residence and address where they proposes to stay after being enlarged on bail. The applicant will not change their residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner

tamper with the prosecution evidence.

v) The applicants shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicants to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)